

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
June 6, 2000

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, June 6, 2000, in the Board Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Melanie L. Rapp.

Also in attendance were Daniel M. Stuck, County Administrator; and James E. Barnett, County Attorney.

Invocation. Miss Christy Orband, York County Youth Commission, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Zaremba led the Pledge of Allegiance.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Zaremba welcomed and introduced Mr. Bradley Berrane as the newest appointed member to the Industrial Development Authority of York County, and presented him with a Boards and Commissions handbook and York County pin.

RECOGNITION OF THE BRUTON HIGH SCHOOL BASKETBALL TEAM

Chairman Zaremba read Proclamation P00-15 commending the Bruton High School basketball team upon their winning the State AA Basketball Championship. Mr. Burgett presented sealed copies of the proclamation to the team members.

YORK COUNTY YOUTH COMMISSION

Miss Jennell Whitfield, Chairman of the Youth Commission, made the final quarterly report for the 1999-2000 Commission. She thanked the Board for selecting such willing and able students to represent York County this past year, stating because of them the Commission was so successful. She also commended Mr. Rick Smethurst, the Commission's liaison, for his leadership. Miss Whitfield indicated that since March the Youth Commission's activities have included representation at the Regional Neighborhoods Conference, conducting a Youth Forum at the Tabb Branch library, assisting the Historical Committee with a reception for the Zweibrucken Exchange Students, and the Senior Center Prom at York High School. She invited everyone to attend their End-of-Year Bash on June 10 at York High School. Miss Whitfield wished the incom-

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ing commissioners the best, and indicated one of their first activities would be to celebrate Youth Week in York County, October 9-15, 2000. She then presented the Board members with T-shirts commemorating the upcoming event.

Mr. Wiggins, Board liaison to the Youth Commission, indicated what a good feeling it has been for him to work with the past year's Youth Commission, and he looked forward to working with the new group.

At this time Chairman Zaremba read Resolution R00-64 commending the 1999-2000 Youth Commission for its service, and Mr. Wiggins presented each member with a bound and sealed copy.

Chairman Zaremba and Mr. Wiggins then introduced and welcomed the following members of the 2000-2001 Youth Commission and presented them with York County pins:

Adam Louron Parker
Christina C. Pinnell
Landon K. Haywood
Sara Brown
Lindsay Leigh Bowman
Daniel Shean
Lindsay Jones
John Alexander Horsley
Charles Joseph Caulkins
Ryan Touhill

CITIZENS COMMENT PERIOD

Mr. Gil Granger, 302 Harrison Avenue, Williamsburg, presented the Board with copies of the plans he has for his property located on Water Street in Yorktown which the Board wishes to acquire. He stated the plans were developed over the years, and he had talked to the Board of Supervisors and members of the staff. He stated he had expressed his pledge to develop the property so that it would be pleasing to the neighbors and create a economically viable facility. He stated he strongly believed it was not in York County's best interest to condemn his property, and Mr. Granger asked the Board to reconsider its decision. He then apprised the Board of the new lease for his other properties on Water Street (Water Street Landing and the Yorktown Pub) and the improvements that are planned, and he pledged his cooperation with plans for improvements in Yorktown.

Mr. John Long, 112 Scott Drive, spoke concerning the water pressure problem in Charleston Heights. He stated he had been in contact with Sydnor several times over the past years, and they have given him no idea of a solution to the problem. Sydnor has done nothing to solve the problem, and recently told him a new meter was needed in the area. Mr. Long stated he felt there needed to be some booster pumps installed closer to the residential areas. Nelson Park and York Terrace are also affected by the low water pressure.

Chairman Zaremba asked Mr. Long to provide the Clerk with a copy of the information he had gathered concerning the problem, and he asked Mr. Hudgins to make contact with Mr. Long to get some facts about the situation. He stated the Board understood what the problems were, and it was time to find a solution.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett indicated he had no report to make at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Stuck reminded the Board of the scheduled work session next Tuesday concerning the York Library, Yorktown Branch, renovations. He then displayed for the Board members a video showing the status of construction projects throughout the County which included:

- Yorktown Improvements
- New Post Office
- Finance Building Renovations
- Dare Water and Sewer Projects
- Calthrop Neck Sewer Project
- Tabb Middle School Construction

MATTERS PRESENTED BY THE BOARD

Mr. Wiggins indicated he felt the Drainage Committee was the most important project going at this time, and the Board has selected all its members who will be meeting sometime this month. He noted that the Seaford Elementary School gymnasium will start this summer which will be the size of the one at Dare Elementary School. Mr. Wiggins indicated the fields at Dare and Seaford Elementary Schools will also be lighted.

Miss Rapp thanked the Electoral Board and poll workers who will be working the polls on June 14.

Mrs. Noll stated that tonight was very special with the outgoing and incoming Youth Commissioners. There were many wonderful applicants, and it was very difficult to make choices. She stated she would like the Board to consider increasing the Youth Commission membership to three representatives from each district. Mrs. Noll then stated the Board and staff had been talking about transportation quite a bit, and she noted that this area may be reclassified as a non-attainment area with regard to air quality. She stated if this happens, it will affect the region economically because the regulations will be more stringent for businesses moving into the area. At the Hampton Roads Planning District Commission (HRPDC) meeting last month, it was requested by the County Administrators of York and James City Counties that the upper part of James City County and York County including the Route 199 corridor be excluded from a non-attainment area designation. Nothing has come back on that request yet, but the citizens will be kept informed. Mrs. Noll also noted that Mr. Dwight Farmer of the HRPDC spoke to a group recently about the use of other modes of transportation, and he stated that \$9 billion has been spent annually on marketing by the Ford Motor Company, but only \$900 million was spent on roads and road improvements. She stated transportation is very important to this area if it is going to be economically viable.

Mr. Burgett noted he had attended his first DARE graduation event yesterday, and it was delightful being with the parents and children. He reminded the citizens that this Thursday the Caritas would be opening its new building in York River Commerce Park. The building will be of service to the community, and the public has been invited to attend the opening. Mr. Burgett stated he would be also attending a meeting of the Strategic Planning for Economic Development

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Committee, and there should be something from that group to bring to the Board for review in the not too distant future.

Miss Rapp expressed condolences to the family of the gentleman who died yesterday morning at the landfill.

Chairman Zaremba asked Mr. Stuck to give the Board a summary of the Skimino drainage improvement project which was advertised in the Daily Press this morning.

Mr. Stuck explained it was a project to correct the flooding situation at Phoenix Circle and Newman Road.

Chairman Zaremba asked if the residents were aware of the project.

Mr. Stuck stated staff has talked with several of them, but he was not aware if all knew of the project.

Chairman Zaremba stated the County recently opened up New Quarter Park to the public on Memorial Day weekend to be open through Labor Day weekend. He noted there was a security detachment at the park to preclude vandalism or unacceptable behavior. He stated he had asked Cheryl Sonderman to get feedback from the security personnel as to what the visitors are looking for in the park. He also noted the Board needs to address at some point the use of grills in the park. The County has 550 acres of beautiful property in the park, and he encouraged the citizens to visit it and enjoy it. He pointed out that getting to the park on Lakeshead Drive can be dangerous if the speed regulations are not followed, and the County was asking VDOT to reduce the speed and move the speed limit signs closer to where Lakeshead is entered from the Parkway. Mr. Zaremba then asked if there was any initiative concerning the 250 acres behind Queens Lake Middle School.

Mr. Stuck indicated he was not aware of anything. He stated he had heard the City of Williamsburg was considering a zoning change that would prohibit the access into the City from Merri-mac Trail.

Mr. Robert Baldwin, Chief Planner, stated a use permit process has been suggested to City Council.

Chairman Zaremba noted that the Virginia Gazette ran an editorial on May 24 concerning the Federal government providing funding to build transient facilities for boats 26 feet and longer, and stated that York County might be a potential beneficiary, and it might be worth following up. He also indicated he had received the VACo salary survey which provided a comparison of key positions in several localities. He asked that all the Board members be provided with a copy.

PUBLIC HEARING

AMENDMENT TO THE YORK COUNTY CODE—GARBAGE COLLECTION RATES AND DISPOSAL FEES

Mrs. Lynn Shematek, Solid Waste Manager, made a presentation on proposed Ordinance No. OO-6 to amend Chapter 19 of the York County Code to increase garbage collection rates for extra collection services only, to increase disposal fees at the County transfer station to \$42.00 per ton, and to make miscellaneous administrative changes dealing with collection of fees. She

explained how the waste program and budgets were set up for York County as she reviewed the major changes in the ordinance.

Mr. Wiggins stated that just because a person was a landlord did not make him responsible for collecting for utilities. He stated the trash program was voluntary, and it should not be the landlord's responsibility to collect fees. He suggested that if the County was having problems getting the renters to pay their fees, perhaps it should consider requiring deposits. Mr. Wiggins stated he felt this amendment was totally wrong, and he was opposed to it.

Miss Rapp asked if the CPI went down, would the County then lower the tipping fee.

Mrs. Shematek explained the contract was set for a one-year adjustment. Whatever the adjustment was set for the start of the contract year remained until the next review. Over the time period of the current contract, the CPI has been very low. She stated that overall it was a good index to use, but this year was a bad year. The County may be able to hold the tipping fee steady for another year, but it was hard to tell what will happen.

Mrs. Noll asked why the County doesn't have people pay before the fact instead of after the fact. She noted that the County was doing that before, but it was changed to conform to the sewer bills. She asked how much was collected annually from this system.

Mr. James O. McReynolds, Director of Financial and Management Services, indicated that approximately \$2 million annually was collected. Part of the current effort is to make the collection procedures uniform across the utilities that are billed. Staff considered deposits, but the administrative costs of keeping up with the deposits outweighed any kind of benefit that might be derived from requiring them. He stated the money was collected when the property changes hands.

Mr. Burgett stated he felt the burden should not be on the owners' backs if the renters don't pay. If a deposit were required, then staff would have the money if the tenant did not pay. He stated if it was important enough to put it on the owners, then the staff should be able to do the same with a tenant and make them pay a deposit.

Mr. McReynolds indicated that once a tenant leaves the area, it was hard to keep up with them. Costs of tracking these people down are more than the service itself.

Mr. Burgett stated that with a deposit, the staff could just keep it and disconnect the service. He asked if the expense for a deposit system was prohibitive.

Mr. McReynolds indicated it was relative to the small number of delinquencies. There is a small number of customers who default. Rather than inconvenience the vast number of customers who pay on time, staff did not feel it was right to charge them a deposit. He stated the tenant would still be billed, but the owner would be on the bill also.

Mr. Burgett stated he felt the Board was being asked to change an ordinance to pick up a very small percentage.

Mr. Stuck stated the staff's responsibility is to collect as much of the money as they can, and this ordinance would allow them to do that. The owner of any rental property would be the one who signs up for the service. There is a service agreement whenever there is a new customer, and the agreement says the owner is liable for the fee. If the owner doesn't want the tenant to

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get trash service, then the owner doesn't sign for it. He stated the owner would get the bill only if the tenant defaulted.

Mr. Wiggins indicated he could understand the owners being responsible in apartments with dumpsters, but the tenants should be expected to pay their own bills and determine whether or not they want the service.

Chairman Zaremba indicated this was only a \$6,000 issue and asked what other localities do to try and alleviate this problem.

Mr. McReynolds stated some bill tenants directly with deposits; others bill tenants directly with no recourse to owner. There are those who make the owners responsible for solid waste collection.

Chairman Zaremba stated he felt it would be very constructive to know how other localities conduct their business.

Mr. McReynolds indicated he would get that information for the Board.

Chairman Zaremba noted it was a \$2 million operation, and he suspected the overall revenue stream was from the garbage operation which was made up of component parts. He stated no where in the memorandum did he see any numbers that indicated the County was operating in the red. It was mentioned that there had been moderate increases, but he stated he didn't remember them.

Mrs. Shematek indicated that In 1997 the tipping fee was raised, but since that time there have been very small incremental changes or no changes. As a result, she stated the County has been able to keep the tipping fee where it is now.

Mr. Stuck explained it was an enterprise fund, and the tipping fee was a component cost of the program. The program is not running in the red now but will if the tipping fee isn't increased.

Chairman Zaremba stated he wanted to see the figures that would explain why the County was picking on 50 people that would be affected by the increased fees for long lane or backdoor service.

Mrs. Shematek noted that the elderly and handicapped can contact the County for those services at no additional cost. The current contract allows for 3 percent of the users to have this service without further fees.

Chairman Zaremba indicated he also had a problem with sticking the landowners with the bills because a minority of the users were delinquent.

Mrs. Shematek then displayed for the Board charts showing a breakdown of increased contract fees which were necessitating the increase in the tipping fee to \$42 per ton. She noted it was a 6 percent increase.

Discussion on current contract pricing as compared to the requested increase.

Chairman Zaremba stated he would like to see the income and outflow of the revenue picture for the program.

Chairman Zaremba then called to order a public hearing on proposed Ordinance No. OO-6 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND CHAPTER 19 OF THE YORK COUNTY CODE TO INCREASE GARBAGE COLLECTION RATES FOR EXTRA COLLECTION SERVICES ONLY, TO INCREASE DISPOSAL FEES AT THE COUNTY TRANSFER STATION TO \$42.00 PER TON AND TO MAKE MISCELLANEOUS ADMINISTRATIVE CHANGES DEALING WITH COLLECTION OF FEES, EFFECTIVE JULY 1, 2000

There being no one present who wished to speak concerning the subject ordinance, Chairman Zaremba closed the public hearing.

Mrs. Noll expressed her agreement in asking for the numbers on the program, but stated she believed the staff had given the Board a reasonable argument for the increases. She stated she also had a problem with charging the landowner and indicated she would approve the ordinance without the language in Section 19-73(c).

Mr. Barnett indicated the language in Section 19-78 would also need to be changed.

Miss Rapp stated she would like to see the County get every amount owed to it, and she commended staff on their hard work. She suggested that staff could look again at requiring deposits or some new software program to ensure the County gets what is coming to it.

Mrs. Noll then moved the adoption of proposed Ordinance No. OO-6(R) that reads:

AN ORDINANCE TO AMEND CHAPTER 19 OF THE YORK COUNTY CODE TO INCREASE GARBAGE COLLECTION RATES FOR EXTRA COLLECTION SERVICES ONLY, TO INCREASE DISPOSAL FEES AT THE COUNTY TRANSFER STATION TO \$42.00 PER TON AND TO MAKE MISCELLANEOUS ADMINISTRATIVE CHANGES DEALING WITH COLLECTION OF FEES, EFFECTIVE JULY 1, 2000

WHEREAS, the County of York and BFI Waste Systems of North America, Inc. (BFI) entered into an Agreement dated March 1, 2000, (the "Collection Agreement") for BFI to provide certain solid waste collection services for the County; and

WHEREAS, the County has provided extra service options for backdoor collection and long lane collection to interested citizens without a price increase since March 1993; and

WHEREAS, through the new Collection Agreement, BFI has increased the rates for providing these extra collection services, thereby making it necessary for the County to increase its rates for these extra services accordingly in order to cover expenses; and

WHEREAS, the County of York and BFI Waste Systems of North America, Inc., (BFI) entered into an Agreement dated September 29, 1999, (the "Transfer Station Agreement") for BFI to operate and maintain the York County Transfer Station and to haul and dispose of waste from the same transfer station; and

WHEREAS, BFI's billing rates for the operation and maintenance and for the hauling and disposal of waste from York County's Transfer Station are determined annually based upon the U.S. Department of Labor's consumer price index for Transportation; and

WHEREAS, the County has not raised its tipping fee since 1997; and

WHEREAS, the consumer price index for Transportation has increased 9.4 percent and the County's price increase cap is 6 percent according to the provisions of the Transfer Station Agreement; and

WHEREAS, it is necessary to raise the tipping fee at the York County Transfer Station in order to cover the expenses of providing the services of the transfer station; and

WHEREAS, the County has experienced problems and loss of revenue resulting from citizens moving from their residences without paying their garbage collection billings;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 6th day of June, 2000, that Chapter 19 of the York County Code be, and it is hereby, amended to read as follows:

CODE OF THE COUNTY OF YORK

Chapter 19

SOLID WASTE, GARBAGE AND WEEDS

ARTICLE I. IN GENERAL

Sec. 19-1. Definitions.

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them by this section.

Collection. Removal of solid waste from its place of origin or storage to a transportation vehicle.

Collection vehicle. Any vehicle used to collect or transport solid waste.

Collector. Any person engaged in the business of the collection and transportation of solid waste.

Commercial/business waste. Solid waste emanating from establishments engaged in business. This category includes but is not limited to solid waste resulting from such establishments as stores, markets, office buildings, restaurants, shopping centers, theaters and waste from households that are not eligible for the county's residential waste collection service.

Compacted refuse. Refuse or waste which has been reduced in volume by mechanical or hydraulic means and remains in this state of reduced volume until deposited at a disposal facility.

Construction, clearing and/or demolition debris. The waste building material, packaging and rubble resulting from construction, land clearing, remodeling, repair and demolition operations on pavements, houses, vacant land, commercial buildings and other structures.

County administrator. The county administrator of York County, Virginia, or his authorized designee.

Disposal facility. Any site used for the disposal of solid waste including but not limited to transfer stations, resource recovery complexes, recycling centers, sanitary landfills and composting plants.

Foreign growth. Any plant or grouping or mass of plants, including grass and weeds, whether or not indigenous.

Garbage. Putrescible animal or vegetable waste resulting from the handling, preparation, cooking, serving or consumption of food.

Hazardous waste. Solid waste which because of its inherent nature and/or qualities requires special handling during disposal to avoid creating environmental damage or hazards to public health or safety or landfill operations. Hazardous waste includes but is not limited to such items as petroleum waste, paints, plastics, explosives, acids, caustics, chemicals, poisons, drugs, radioactive materials, asbestos fibers, imported wool fibers, pathogenic wastes from hospitals, sanitariums, nursing homes, clinics and veterinary hospitals, waste from slaughterhouses, poultry processing plants and the like. (Residential solid waste normally contains some hazardous materials but because such materials are usually present in very small quantities their safe disposal either in a sanitary landfill or incinerator presents no special problem. Therefore, residential waste is not considered to be hazardous within the meaning of hazardous waste as used in this chapter.)

Household waste. See "residential/household waste."

Industrial waste. All solid waste resulting from manufacturing and industrial processes such as, but not limited to, those carried on in factories, processing plants and slaughterhouses.

Institutional/governmental waste. Solid waste resulting from operations or activities of the Commonwealth of Virginia, its political subdivisions or agencies of the United States government.

Mixed Paper. Paper accepted for recycling that includes but is not limited to bond paper, computer paper, magazines, catalogs, bulk mailings, telephone and other directories, single layer cardboard, box board, and similar kinds of material.

Occupant. The person who resides on premises as owner or tenant.

Open dump. An unregulated disposal site that is operated without the required compaction and cover.

Refuse. All solid waste of a community.

Residential/household waste. Solid waste resulting from single detached family homes or condominiums, apartments, townhouses, trailers or duplexes.

Sanitary landfill. A land site on which engineering principles are utilized to bury deposits of solid waste without creating nuisances or hazards to public health or safety.

Solid waste. All putrescible and nonputrescible waste in solid form, including, but not limited to, garbage, rubbish, cardboard, ashes, street refuse, demolition and construction waste, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid waste or other discarded solid materials. The term shall not include automobiles or other motor vehicles nor any part thereof other than small parts or pieces of scrap metal or tires.

Transportation. The transporting of solid waste from the place of collection to a disposal facility.

Trash. Any and all rubbish, cans, bottles, containers, plastic, paper, cardboard or other discarded material of an inorganic nature.

Uncompacted refuse. Refuse or waste which has not been reduced in volume by mechanical or hydraulic means or, if so, has not been maintained in this reduced volume state during transportation to the disposal facility.

Vacant property. A lot or parcel of real property either not improved by any structure or having a structure or structures neither occupied as a residence nor devoted to any other use normally involving the presence of employees or other persons on business days.

Waste. Useless, unwanted or discarded materials.

Waste generator. The person who actually produces the commercial, household, industrial or institutional/governmental solid waste.

Sec. 19-2. Conflict with other laws.

The provisions of this chapter shall in no way alter, diminish or change the provisions of any other law, ordinance or regulation. In the case of any conflict in the terms, conditions or provisions of this chapter with any terms, conditions or provisions of any other law, ordinance or regulation, the more restrictive requirement shall prevail.

Sec. 19-3. Violations and penalties.

- (a) It shall be a violation of this chapter for any person to throw, drop, deposit or otherwise dispose of any solid or hazardous waste on any public or private property within the county except in accordance with the provisions of this chapter. In additions to any other provisions of this chapter, any person who fails to comply with any provision of this chapter after the date of adoption shall be deemed to be in violation of this chapter. Each day that a violation exists shall constitute a separate violation. The penalty for conviction of a violation of any provision of this chapter shall be the imposition of a fine not exceeding one thousand dollars (\$1,000) or thirty (30) days imprisonment for each violation or both.
- (b) The county may apply to the county circuit court for injunctive relief to enjoin a violation or a threatened violation of the terms of this chapter without the necessity of showing that there does not exist an adequate remedy at law.

Sec. 19-4. Prohibited disposition of waste—Private dumping ground prohibited.

- (a) It shall be unlawful for any person to dispose of any solid waste in any well, spring, reservoir, watercourse or body of water or upon any sidewalk or public grounds other than grounds designated by the county for such purpose and then only in the manner provided for by this chapter and by governmental regulations relating thereto.
- (b) It shall be unlawful for any person to permit any land within the county which is owned or occupied by him or which is under his charge or supervision, to be used as an open dump; it being the purpose of this paragraph to make disposal facilities designated by the county for such purpose as the only authorized places for the disposal of solid waste mate-

rials. Nothing in this section shall prohibit the dumping of solid waste material in a private sanitary landfill licensed by the Virginia Department of Waste Management and operated in accordance with state and federal regulations.

Sec. 19-5. Same—On highway right-of-way or private property.

- (a) No person shall dump or otherwise dispose of solid waste material on a public highway, right-of-way property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.
- (b) When any person is arrested for a violation of this section and the matter alleged to have been dumped or disposed of on the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the arresting officer may comply with the provisions of section 46.2-936, Code of Virginia in making such arrest.
- (c) When a violation of the provisions of this section has been observed by any person and the matter dumped or disposed of on the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.
- (d) Any sums collected under the terms of this section shall be paid to the county treasurer and credited to the general county fund.

Sec. 19-6. Maintenance of premises; duty of owner.

- (a) *Duty to maintain free from health and safety endangering substances and nuisances.* It shall be the duty of the owners of real property in the county to maintain such property at all times free from any accumulation of solid waste, trash, garbage, refuse, litter or other substances which might endanger the health or safety of other residents of the county or otherwise constitute a nuisance.
- (b) *Duty to cut grass, weeds, etc., on undeveloped property.* It shall be the duty of the owners of vacant developed or undeveloped real property in the county to provide for the cutting of grass, weeds and other foreign growth on such property or any part thereof as often as may be necessary to prevent breeding and harboring places for insects, reptiles or rodents, and other hazards that endanger or may endanger the public health, safety or welfare.
- (c) *Duty to cut grass on occupied real property.* It shall be the duty of the owners of occupied residential real property, unless it is being actively farmed, in the county to cut any grass or lawn area of less than one-half ($\frac{1}{2}$) acre on such property or any part thereof when growth on such grass or lawn area exceeds twelve inches (12") in height.
- (d) *Authority of administrator to investigate and cause work to be done.* The county administrator may investigate conditions existing on any real property in the county at any time and, upon a determination that the owner of such property stands in violation of his duty as provided in this section, written notice shall be provided to the owner and to the person primarily responsible if different from the owner of such property stating the facts which constitute a violation of paragraphs (a), (b) or (c) above and directing the owner to

take such action as may be necessary to rectify such conditions within fifteen (15) days of the date of the notice and, if the owner shall fail to comply with the terms of the notice, then the county administrator shall cause to be done such work as may be necessary to abate the offending condition by agents or employees of the county.

- (e) *Billing and collection of expenses.* All expenses resulting from the correction of a violation by the agents or employees of the county shall be billed to the owner and shall, unless paid in full within fifteen (15) days, be certified by the county administrator to the county treasurer who shall collect such amount as taxes and levies are collected; and all charges not so collected shall constitute a lien against such property.
- (f) *When notice deemed served.* Any notice required by this section shall be conclusively deemed to have been served when mailed by certified or registered mail to the current owner at the address shown on the land records of the commissioner of the revenue of the county.
- (g) *Penalty for violation.* A violation of subsection (c) above shall be punishable by a civil penalty not to exceed one hundred dollars (\$100.00).

Sec. 19-7. Ownership of solid waste.

All solid waste, upon being inspected and removed by the county or its agents from the premises where produced or accumulated, shall become and be the property of the county. When solid wastes not collected by the county or its agents are deposited at the county disposal facility, after inspection and acceptance, they shall forthwith become the property of the county.

Sec. 19-8. Storage of solid waste.

- (a) The occupant of every dwelling unit and of every institutional, commercial, business, industrial, or other establishment within the county producing solid waste shall ensure that there are sufficient and adequate containers for the storage of all solid waste, except demolition and construction waste, to serve each such dwelling unit and/or establishment.
- (b) Solid waste containers shall be waterproof and leakproof, and shall be covered at all times, except when depositing waste therein or removing the contents therefrom.
- (c) The occupants of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in the proper containers and shall maintain such containers and the area surrounding them in a clean, neat, and sanitary condition at all times.

Sec. 19-9. Accumulation of solid waste.

No person owning, managing or occupying any property shall allow any accumulation of solid or hazardous waste to remain upon such property for a period of more than seven (7) days, if such accumulation tends to create a health or fire hazard or other nuisance. This prohibition shall extend to all property including vacant property within the county.

Sec. 19-10. Transport of solid waste; duty of transporter.

It shall be unlawful for any person transporting any waste or solid waste upon or over any public street or right-of-way within the county to fail to provide a suitable and secure cover therefor and to take such other precautions as may be necessary to prevent such waste or solid waste from spilling from the vehicle in which it is being transported.

Sec. 19-11. Removal of recyclable solid waste.

It shall be unlawful for any person, other than an authorized collector pursuant to section 19-40 of this chapter, to remove any recyclable solid waste placed by the occupant of a dwelling unit for disposal or collection unless permission has been obtained from the occupant of the dwelling unit for such removal. Nothing in this section shall be construed as prohibiting a person from selling, or otherwise disposing of his own recyclable solid waste.

Secs. 19-12—19-19. Reserved.

ARTICLE II. DISPOSAL FACILITIES

Sec. 19-20. Disposal facilities.

The county may maintain and operate such disposal facilities as it shall deem necessary in the public interest. Such disposal facilities shall be operated in accordance with regulations promulgated by the Virginia Department of Environmental Quality.

Sec. 19-21. Private sanitary landfills; permit required.

No person shall locate, operate, conduct or maintain a sanitary landfill or any place for the disposal and/or storage of solid or hazardous wastes in the county unless a permit therefor is issued by the board of supervisors. Such permit shall be subject to such conditions as may be deemed necessary by the board of supervisors to protect the public health, safety and welfare. A violation of any condition of any such permit shall be deemed a violation of this chapter and, in addition to any other penalty, may result in the revocation of the permit.

Sec. 19-22. Disposition of solid waste.

All person collecting or disposing of solid waste within the county shall dispose of the same at a disposal facility which has been established and operated under the provisions of this chapter in accordance with all applicable federal, state and local laws and regulations.

Sec. 19-23. Use of county disposal facilities—Rules and regulations.

All persons using any county disposal facility shall be subject to the following requirements, the violation of which shall result in punishment in accordance with section 19-4 of this chapter.

- (a) All materials disposed of at county disposal facilities will be inspected and after acceptance shall thereupon become the property of the county and shall be subject to salvage by the county for its own use and benefit. No person shall engage in scavenging at a county disposal facility without a written salvage permit from the county administrator. Such permit shall be subject to conditions designed to improve and promote county disposal facilities and shall not be granted if the activities of the scavenger would interfere with county operations. It is the intent of this provision that a permit not be granted simply to further the business interests of scavengers but that, in addition, the county must derive a substantial benefit therefrom.

- (b) No person shall enter upon, deposit or dump any waste or solid waste at any county disposal facility at any time when such facility is closed.
- (c) All persons using a county disposal facility shall obey the orders and directives of the county employee or contractor in charge thereof.
- (d) The county administrator may issue permits to use county disposal facilities to persons engaged in the service of collecting or disposing of solid waste whether such waste was generated within or without the county, as provided in article III of this chapter. Permits are not necessary for other persons to use county disposal facilities.
- (e) It shall be presumed that any person entering a county owned disposal facility with a vehicle not displaying a valid county license decal is not a resident of the county. Agents or employees of county residents or county businesses may dispose of refuse generated at a residence or business located in the county at the disposal facility if they have evidence, deemed satisfactory by the county administrator, of such agency and residency in their possession while entering the disposal facility.
- (f) Whenever solid waste brought by any person to a county disposal facility for disposal is such that, in the opinion of the county administrator it requires special handling, he may refuse to accept the same or may agree to accept such solid waste upon payment of a service charge based upon the cost of handling and disposing of such waste as set forth in section 19-24.
- (g) All persons desiring to deposit solid waste at any county disposal facility shall pay such fee, if any, for such disposal as shall be set out from time to time by resolution or ordinance of the board of supervisors.
- (h) The County Administrator shall be authorized to waive the tipping fee for disposal at the county transfer station for special community activities that support the express goals of the County.
- (i) The county administrator shall be authorized to develop reasonable rules and regulations for the use and operation of county owned disposal facilities not in conflict with the provisions of this chapter. Upon approval by resolution of the board of supervisors of such rules and regulations, the violation of any such rule or regulation shall be deemed a violation of the provisions of this chapter.

Sec. 19-24. Charges and permits for use of county disposal facilities.

Use of county-owned disposal facilities shall be subject to the following fees and charges:

- (a) (1) Individual households and qualified small businesses, as defined in section 19-62, which have elected to receive county solid waste collection services and are current in payments for such services may personally or by agent dispose of their own solid waste, including limited amounts of incidental construction debris generated from their own premises, at a county disposal facility at no additional charge. All other persons who dispose of solid waste at the county transfer station shall pay a fee of forty-two dollars (\$42.00) per ton. This fee shall be prorated for amounts of waste that do not constitute an even ton; provided, however, that a minimum fee of five dollars (\$5.00) per vehicle shall be charged. All fees required

to be collected at the time of disposal shall be rounded to the nearest whole dollar. Fees that are collected on a monthly basis pursuant to the provisions of subsection (6) of this section shall be for the exact amount of the fee incurred.

- (2) There shall be no charge for the disposal of recyclable items, as listed in section 19-70(a), at designated county disposal facilities.
- (b) Persons disposing of waste requiring special handling (including food-processing wastes) shall at a minimum pay the applicable tipping fees plus the following amounts:
 - (1) \$35.00 - 0 to 3,999 pounds
 - (2) \$52.50 - 4,000 to 6,000 pounds
 - (3) \$70.00 - Over 6,000 pounds

Additional fees may be required by the county administrator as set forth in paragraph (d) of this section. Animal carcasses will not be accepted at the county's transfer station.

- (c) Prior to the acceptance of industrial or food-processing waste, or any other solid waste requiring special handling, the person desiring to dispose of the same shall secure a permit from the county administrator. Prior to the issuance of such permit, the county administrator shall determine the compatibility of the specific refuse with the method of disposal utilized. In determining such compatibility, the county administrator shall consider disposal volume, difficulty of handling, employee safety, likelihood of equipment damage, and any unusual health and environmental problems and current state and federal regulations. The disposal charge for any such material shall be as a minimum the amount set out in paragraph (b) above, but shall be higher as necessary to cover all cost associated with the special handling requirements, the potential damage to landfill equipment, environmental effects, state and federal rules and regulations regarding the waste and other factors as may be appropriate for such waste. Based on these considerations, the county administrator may require additional special handling charges as necessary from time to time for use at county disposal facilities.
- (d) In the event the disposal facility's scale is inoperative, charges for disposal shall be based upon weight data previously generated for the vehicle hauling such waste and the nature of the waste. The weight data shall consist of not fewer than fifteen (15) previous weighings by the vehicle carrying such waste and shall be modified by a visual inspection of the vehicle if such is feasible. For vehicles for which no history of previous weight data exists or for which insufficient data exists, the following rates shall apply:
 - (1) *Uncompacted refuse*: The charge shall be fifteen dollars (\$15.00) per cubic yard of truck capacity.
 - (2) *Compacted refuse*: The charge shall be twenty-five dollars (\$25.00) per cubic yard of truck capacity.
- (e) Charges imposed under the provisions of this chapter shall be due and may be paid upon entering the disposal facility. At the discretion of the county administrator, bills may be rendered not less than monthly. All bills rendered after the date of adoption of this chapter shall be due and payable upon presentation and at the place designated by the county. If not paid within ten (10) days, the bill will be considered delinquent and a penalty of ten

(10) percent or twenty-five dollars (\$25.00), whichever is greater, will be added to the original amount due. Interest at the rate of ten (10) percent per annum shall be charged on the aggregate of the payment and the penalty due beginning with the date the penalty is applied. If any bill shall not be paid within twenty (20) days of the billing date, then disposal privileges shall be terminated.

Sec. 19-24.1. Composting facility.

All yard waste, as defined in section 19-62, that is generated in the county and is not collected by the county's solid waste collection service, may be delivered (in a $\frac{3}{4}$ -ton or smaller vehicle), without payment of a fee by county residents to the composting facility operated at the county's waste management center by the Virginia Peninsulas Public Service Authority. All other persons, including county businesses, delivering yard waste to the composting facility shall pay the fees established by the Virginia Peninsulas Public Service Authority therefor.

Sec. 19-25. Weighing of vehicles.

The county administrator may, but shall not be required to, weigh vehicles upon the request of the owner or operator thereof for purposes other than determining the amount of refuse to be deposited at a county disposal facility. In any such circumstance, the person requesting the weighing shall be charged the sum of not less than five dollars (\$5.00) per axle for each vehicle weighed which shall be due and payable at the time of weighing.

Sec. 19-26. Special regulations for the disposal or storage of tires.

- (a) *Storage of More than 250 Tires.* Any person accumulating, storing or disposing of more than 250 used tires at any one time on a site within the County shall notify the fire official so that such information can be entered into the emergency response data base.
- (b) *Storage of More Than 1,000 Tires.* Any person proposing to accumulate, store or dispose of more than 1,000 used tires, other than in a fully enclosed building or trailer, shall secure a permit approved by the board of supervisors. The permit application shall be filed with the fire official and shall include sufficient plans, drawings and other information to demonstrate compliance with the performance standards set forth in subsection (c), below, and shall be accompanied by an application/review fee of \$200.00. Permits issued by the board shall be in effect for two (2) years from the date of issuance.
- (c) *Storage Methods and Standards.* Any storage of more than 1,000 used tires shall be in accordance with the following standards, unless within a fully enclosed building or trailer:
 - 1) Tires may be stockpiled in cells covering a maximum surface area of 5,000 square feet each. The maximum width of any stockpile shall be fifty (50) feet and the maximum height shall be five (5) feet.
 - 2) Stockpiles shall be separated by a minimum distance of fifty (50) feet and shall be located a minimum distance of fifty (50) feet from any building or structure and any perimeter property line. These fifty (50) -foot separation areas shall be maintained free of obstructions at all times and maintained so as to permit emergency apparatus access.
 - 3) The maximum distance from any portion of the stockpile to an emergency access lane capable of accommodating fire response apparatus shall be 150 feet.

- 4) An adequate water supply for fire suppression, as determined by the fire official, shall be available to the site.
 - 5) All outdoor storage sites shall be enclosed by an eight-foot high chain-link fence and access shall be controlled by a lockable gate. If storage is within a fully enclosed trailer(s), no fence shall be required.
 - 6) Appropriate and adequate provisions shall be made for storm water management on the site. In addition, the drainage plan for the site shall be developed to manage properly any runoff that would result from fire suppression efforts in the event of a fire in any of the stockpiles.
- (d) *Temporary Storage of More than 1,000 Tires.* When the accumulation of tires on a site will exceed 1,000 tires for less than ninety (90) days, the above-described permit shall not be required; provided, however, that all performance standards stipulated above for the storage cells shall be observed or the tires in excess of 1,000 shall be contained within a fully enclosed building or storage trailer.
- (e) *Sanitary Landfill Permit Holders Exempt.* Any person holding a current and valid permit from the Virginia Department of Waste Management for the operation of a sanitary landfill shall be exempt from the permit requirements set forth in this section. The fire official may, however, impose reasonable fire safety requirements on the operator including, but not limited to, any of the requirements set forth in subsection (c) above.

Secs. 19-27—19-39. Reserved.

ARTICLE III. COLLECTION OF SOLID WASTE

Sec. 19-40. Permit required, conditions, renewal and revocation.

- (a) *For whom permit required.* No person, including governmental agencies, shall engage in the business of collecting and/or disposing of solid waste in the county without first obtaining a permit therefor from the county administrator; provided, however, that this provision shall not be deemed to apply to employees of the holder of any such permit.
- (b) *Application; required information.* Any person desiring to engage in the collection and/or disposal of solid waste in the county shall make written application to the county administrator setting forth the name, phone number and address of such person, a description of the equipment to be used in the collection and transportation, the type or types of solid waste to be collected, the place and/or method of disposal, and such other information as may be reasonably required by the county.
- (c) *Insurance required.* No permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the county administrator evidence of a satisfactory comprehensive general liability insurance policy covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, as a minimum, in the amount required by the Commonwealth of Virginia. Such policy shall be provided for written notification to the county by the insured and the insurance carrier, of any cancellation of said policy not less than ten (10) days prior to the effective date of such cancellation.

- (d) *Bonds, permit fees; changes to application.* The applicant shall pay all required fees and furnish any necessary bonds required by this chapter prior to issuance of a permit. No permit holder shall make any changes in the items listed in his original application without first notifying the county administrator. The fee for permits issued pursuant to this section shall be one hundred dollars (\$100.00).
- (e) *Customer list.* Each permit applicant shall certify, prior to the issuance of a permit, that a customer list is maintained that includes street addresses of customers and specifies the rate to be charged for each type of residential service. Such list shall be provided to the county administrator upon request.
- (f) *Expiration of permits; annual renewal.* All permits shall expire on June 30 of the year following the year of issue and permits are renewable annually between June 1 and June 30.
- (g) *Evidence of business license tax payment.* There shall be submitted with each application for a permit evidence that the applicant has paid any applicable business license tax.
- (h) *Maintenance of business office.* No permit shall be issued or continued in effect until and unless the applicant maintains an office for the transaction of business to include the receipt of complaints, the payment of bills, the maintenance of records and the answering of inquires. Such office shall be staffed during normal business hours with an authorized agent of the applicant, and serviced by a telephone listed in the telephone directory by trade name. Any change of address or telephone number shall be reported to the county administrator within five (5) business days.
- (i) *Permit issuance; conditions; decals.* The county administrator shall issue a permit in the form of a decal upon receipt of a completed application and upon a finding that the applicant has complied with the applicable provisions of this chapter and provided that the granting of the permit will not unduly interfere with the provision of services to county residents or the processing of all solid waste generated in the county and will not cause the capacity of any county disposal facility to be exceeded. The county administrator may impose reasonable conditions on any permit deemed necessary to protect the sanitary and efficient operation of the county's disposal facilities. The county administrator shall furnish one (1) decal for each vehicle to be used by the applicant and such decal shall be permanently affixed by the applicant on the front bumper of the vehicle. Each permittee operating more than one (1) truck shall separately number each truck and shall display the number of each truck prominently in letters not less than four inches (4") in height on the front of the vehicle and on the passenger's side door.
- (j) *Issuance or denial.* A permit shall be issued or denied within thirty (30) days of the receipt of an application by the county administrator. A permit may be denied issuance or renewal for any violation of this chapter including, but not limited to, failure to pay delinquent disposal facility charges or for unsatisfactory delivery of customer service. A denial shall be accompanied by reasons for denial in writing. The application shall have a period of ninety (90) days from the date of any such denial within which to conform his application to the requirement of this article and at the expiration of that period the application shall be deemed to have expired.
- (k) *Use of trucks or decals of other companies prohibited.* It shall be unlawful and grounds for permit revocation for any company which is delinquent in its disposal bill payment to use the truck or decal of any other company to gain access to a county disposal facility. It

shall be unlawful for any company to allow another company to use its truck and/or decal in the aforementioned manner.

- (l) *Denial of permit as additional penalty.* In addition to any other penalty, any collector discovered illegally collecting refuse without a permit or violating the terms of an issued permit may be denied a refuse collection permit for a period of one (1) year from the time of the offense.
- (m) *Revocation of permit.* Failure to correct conditions and practices not in accordance with the provisions of this chapter (including nonpayment of tipping fees) within seven (7) days after receipt of written notice of violation shall cause the permit to be revoked by the county administrator.

Sec. 19-40.1. Service areas; disposal of solid waste.

- (a) The provisions of this section are enacted pursuant to the provision of section 15.1-28.1, Code of Virginia, and other general enabling legislation, and shall apply on and after October 1, 1992, to all persons engaged in the business of collecting, transporting and/or disposing of solid waste in the county pursuant to a permit issued pursuant to section 19-40.
- (b) For purposes of this article, the entire county is hereby designated as a service area, within which any permittee pursuant to section 19-40 may engage in the business of collecting, transporting and/or disposing of solid waste, in the county, to the extent authorized in such permit, provided that all such solid waste shall be disposed of only in such places as may be designated by the county administrator.
- (c) It shall be unlawful for any person who holds a permit pursuant to section 19-40 to dispose of any solid waste collected in the county pursuant to the permit at any place other than that designated by the county administrator. The provisions of this section shall not apply to:
 - (1) Garbage, trash and refuse generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or refuse-derived fuels for sale to a person other than an entity controlled by or under the same control as the manufacturer, miner, processor, refiner or converter of the energy or refuse-derived fuel;
 - (2) Recyclable materials, which are those materials that have been source-separated by an person, or materials that have been separated from refuse by any person for utilization in both cases as a raw material to be manufactured into a new product other than fuel or energy;
 - (3) Construction debris to be disposed of in a landfill; or
 - (4) Waste oil.
- (d) Nothing contained in this section shall be construed to interfere with or in any way modify the provisions of any existing contract in force in the county of the effective date of this section, if such contract irrevocably requires that all waste collected in the county be delivered to some specific location other than that designated by the county adminis-

trator. No renewal of any existing contract upon the expiration of the original term thereof, and no new contract for the collection, transportation or disposal of solid waste shall be entered into after the effective date of this section, unless such renewal or such contract shall conform to the requirements of this section.

Sec. 19-41. Bond required.

- (a) Any applicant seeking a permit for the collection and/or disposal of solid waste shall furnish a bond payable to the county in the amount of five thousand dollars (\$5,000.00) for each vehicle with surety approved by the county attorney and conditioned to indemnify and save harmless the county, as well as any person, firm or corporation, from all charges, expenses or damages that may be incurred by such person, caused by any failure to comply with the provisions of this chapter, neglect in the handling of the refuse, or nonpayment of charges imposed for the disposal of solid waste. If the permit holder fails to correct any neglect or noncompliance with this chapter within seven (7) days after receipt of written notice from the county administrator, the bond shall be forfeited and the principal and surety on said bond shall be required to reimburse the county or any customer of such permit holder for any expense or damage incurred as the result of such neglect or failure.
- (b) The notice required by this section shall be conclusively presumed to have been received ten (10) days after mailing by the county first class, postage paid, to the permit holder's and surety's current addresses as reflected in the county's permit records.

Sec. 19-42. Transfer or termination of service.

Any person permitted under the provisions of this chapter shall give thirty (30) days' written notice of intent to transfer or terminate service to the county administrator, the bonding company, and all customers.

Secs. 19-43—19-49. Reserved.

ARTICLE IV. SOLID WASTE RECYCLING REPORT

Sec. 19-50. Purpose.

The purpose of this article is the furtherance of solid waste management and the recycling of solid waste as provided for in section 10.1-1411, Code of Virginia, as authorized by section 15.1-11.5;2, Code of Virginia.

Sec. 19-51. Definitions.

For the purposes of this article, the following words and terms shall have the meanings ascribed to them by this section:

Generators. Any entity whose act or process produces solid waste as defined in this section.

Manage. To collect, store, treat, transport and dispose of solid waste as defined in this section.

Recycling. The process of separating a given waste material from the waste stream and processing it so that it is used again as a raw material for a product, which may or may not be similar to the original product.

Reused. Once having been a waste and being:

- (a) Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recovered as separate end products; or
- (b) Employed in a particular function or application as an effective substitute for a commercial product or natural resources.

Source Reduction. Any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include among others, process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process.

Sec. 19-52. Annual report required by nonresidential waste generators, solid waste managers or recyclers.

All non-residential solid waste generators who generate more than five hundred (500) pounds of solid waste annually and companies that manage solid waste in excess of five hundred (500) pounds annually or recycle materials in excess of five hundred (500) pounds annually within the county shall submit an annual report to the county administrator, on or before February 15, 1993, and every year thereafter.

Sec. 19-53. Required information.

Each annual report required to be submitted hereunder shall be submitted on a form prescribed by the county administrator and shall include the following information with respect to the reporting party for the period covered by the report:

- (a) The name and address of the reporting party.
- (b) The total quantity of solid waste generated, managed and principal and/or supplemental recycling materials recycled by the reporting party during the past calendar year.
- (c) The total quantity or volume of solid waste that has been the subject of source reduction or reuse as defined in this article.

Sec. 19-54. Report to be based on actual volume or weight.

The report required under this article shall be based on actual volume or weight. Where actual volume or weight cannot be accurately determined, the volume or weight may be reported using carefully estimated data. Any such report shall include a description of the basis for the reported data.

Sec. 19-55. Exclusion for information of proprietary nature.

Nothing hereunder shall be construed to require any party to report information of a proprietary nature. Where any party fails to report any information otherwise required hereunder based upon a determination that such information is of a proprietary nature, the party shall specify in its report the nature of the information withheld and the basis for its determination that such information is of a proprietary nature.

Sec. 19-56. Report to include in-county market delivery only.

Recycled solid waste included in the report shall include only those solid wastes delivered to market from within the county.

Secs. 19-57—19-59. Reserved.**ARTICLE V. SOLID WASTE COLLECTION SERVICE****Sec. 19-60. Purpose and intent of article.**

The service of collecting and disposing of solid waste is intended as an integral part of the county's protection of its residents' health and welfare. The purpose of this article is to protect life, property, and the general environment by establishing standards and procedures for the administration and enforcement of such standards as they relate to the control, collection, transportation and disposal of solid waste. It is also intended to promote recycling in order to comply with state-mandated goals. The fees established by this article are intended to be reasonable and equitable fees to cover the county's cost of providing a comprehensive system for collecting, transporting, processing, disposing of, and recycling solid waste, as well as establishing, operating, maintaining, contracting for the provision of, monitoring, and closing facilities for these services. Where the context so indicates, the provisions of this article shall apply to the owners and occupants of all property in the county, and to all who provide waste collection services.

Sec. 19-61. Service area established.

Pursuant to the authority expressly granted by section 15.2-930, Code of Virginia, and other general enabling legislation, there is hereby established a solid waste collection service area to include the entire area within the territorial limits of the county. The board of supervisors finds that the public interest will be advanced by contracting for the provision of certain collection services within the collection service area, and by establishing the fees to be charged for such contracted for services.

Sec. 19-62. Definitions.

For the purposes of this article, the following words shall have the meaning indicated below:

Bags. Disposable, plastic garbage bags that can be sealed, and which when filled do not exceed forty (40) pounds in weight.

Bulky items. Items of solid waste too large to fit into a container, such as stoves, refrigerators, hot water tanks, washers, dryers, carpeting, box springs, mattresses, or other such usual household or business furnishings, but not including dead animals, stable materials, hazardous waste, batteries, tires, construction or renovation debris, and other items too heavy or bulky to be handled by two persons.

Bundle. Tree, brush or shrub trimmings which are securely tied together forming an easily handled package not exceeding four feet (4') in length and seventy-five (75) pounds in weight.

Container. A ninety-six (96) gallon, or smaller container, either furnished or caused to be furnished by the county for the storage and collection of solid waste, or provided by the occupant or owner of the premises served, as permitted herein.

Household. A single-family detached residence, or a condominium, apartment, town home, trailer or duplex that may be served by a container and is approved for such service.

Long driveway. A private driveway that is greater than one hundred fifty feet (150') in length, measured from the edge of the nearest public right-of-way to the front of a household served by the driveway, and which the County has determined to be eligible for collection service.

Low generator. A household or qualified small business which elects to provide its own container, provided that such container does not exceed forty (40) gallons in capacity, and provided that no more than twenty-five (25) pounds of solid waste are put out for collection weekly in such container.

Private lane. A right-of-way listed in the current York County street index as a private lane, court, street, drive, avenue, circle, boulevard, run, road, way, crescent, crossing, place, parkway, or similar designation.

Qualified small business. A licensed small business, civic or charitable organization, community or neighborhood association, religious institution, or similar entity capable of being served by one (1) or more ninety-six (96) gallon containers, which entity requests and is approved for service by the county administrator.

Roadside. That portion of the right-of-way adjacent to a paved or traveled public roadway, or adjacent to a private lane or long driveway.

Solid waste. Waste as defined in section 3.1 of the Solid Waste Management Regulations, Virginia Register 672-20-10, Department of Waste Management, Commonwealth of Virginia.

Solid waste materials. Solid waste, approved bags and bundles, and bulky items.

Yard waste. Grass clippings, leaves, branch, plant materials, roots, branches, and similar biodegradable materials.

Sec. 19-63. Collection services—Generally.

- (a) Beginning March 1, 1993, the county will furnish or cause to be furnished solid waste collection services for all single-family detached residences in the county, the owners or occupants of which agree to receive such services, excluding those on federal property. Beginning March 1, 1993, the county may, at its option, furnish or cause to be furnished solid waste collection services to households other than single-family detached residences, qualified small businesses, and households on federal property.
- (b) The county administrator is authorized to promulgate reasonable rules and regulations not in conflict with the provisions of this chapter for the operation and management of the county's collection system.

Sec. 19-64. Containers.

- (a) Each household and qualified small business that is to receive solid waste collection services from the county will be provided a container, unless otherwise agreed by the county and the owner or occupant of the premises to be served. Households or qualified small businesses which elect to receive low generator service shall provide their own

container, which shall not exceed forty (40) gallons in capacity. Additional containers may be provided, upon request, for an additional fee, as set out in this article.

- (b) It shall be the responsibility of the owner or occupant of the premises served by a container to maintain it in a clean and sanitary condition, and in accordance with any maintenance instructions provided with it.
- (c) Containers shall not be filled to overflowing, and when filled shall not exceed one hundred (100) pounds in weight. When a container is full, extra solid waste may be placed in bags or bundles, subject to the limits set out in this article, and placed next to a container for collection. Those who receive low generator service may not place additional bags of garbage out for collection.

Sec. 19-65. Storage of solid waste.

The responsibility for storage of solid waste prior to collection shall be with the occupant of each premises from which it is to be collected. The occupant shall maintain waste storage areas, containers, and the areas surrounding them in a clean, neat and sanitary condition at all times.

Sec. 19-66. Placement of solid waste for collection by county.

- (a) *Period permitted for placement; placement within enclosures.* On the day scheduled for collection, containers, bags and bundles shall be placed at the roadside ready for collection prior to 7 a.m. the day of collection, unless the occupants of the premises have been exempted from this requirement under the provisions of subsections (d) or (e) of this section. Containers, bags and bundles shall not be placed at the roadside for collection more than twelve (12) hours before the regularly-scheduled collection time, and shall be removed from the roadside no later than midnight of the day of collection. Households or qualified small businesses with driveways in excess of three hundred feet (300') in length may leave their containers within enclosures near the roadway, if such enclosures comply with all county ordinances and are approved by the county administrator; provided that such containers must be placed at roadside in accordance with the provisions of this section for collection.
- (b) *Dates and time of collection.* The regularly scheduled collection times shall be once per week, except in the case of inclement weather or other emergencies, on such dates and times as shall be established and announced by the county administrator. Such collection times shall coincide as closely as possible with the county's schedule for the collection of recyclable materials. Collection schedules may be adjusted for holidays.
- (c) *Bags and bundles.* In addition to a container, or containers, to be collected, each household or qualified small business may set out for collection up to a total of six (6) bags and bundles per week. Yard waste must be placed in clear plastic bags or bound in bundles no longer than four (4) feet in length. Households or qualified small businesses which elect to receive low generator service shall not be entitled to set out solid waste for collection in bags, except for yard waste, which may be set out for collection in clear bags, subject to the limits above. Solid waste, other than yard waste, shall not be placed in bags unless the occupants' container is filled nor shall clear bags be used for such purpose. Occupants who routinely set out for collection two (2) or more bags filled with solid waste, other than yard waste, may be required by the county administrator to obtain and pay the required fees for an additional container.

- (d) *Exemption for medical reasons or age.* The county administrator may exempt the occupants of any premises from the roadside collection requirements of subsection (a) of this section and provide for an alternate pick up location, upon the filing by such occupants of an appropriate affidavit, with such documentation as may be required by the county administrator, stating that due to medical reasons or advanced age, none of the occupants are able to place such containers, bags or bundles at the roadside for collection.
- (e) *Other types of exemptions.* The county administrator may also exempt, to the extent determined feasible by the county administrator, and if their driveways are of sufficient design to accommodate collection vehicles, the occupants of the following types of premises from the roadside collection requirements of subsection (a) of this section, upon application therefore and upon payment of the additional fees set out in section 19-73:
 - (1) Occupants of premises with driveways no longer than one hundred and fifty feet (150') who desire to have the county transport the refuse to the roadside for collection;
 - (2) Occupants of premises with long driveways (greater than one hundred and fifty feet (150') in length), who place the container adjacent to such long driveway; and
 - (3) Occupants of premises with long driveways (greater than one hundred and fifty feet (150') in length) who desire to have the county transport the refuse to a point adjacent to such long driveway.
- (f) *Placement of containers for exempted occupants.* In the event that the occupants of any premises are exempted from the roadside collection requirements of this section, they shall place their containers, bags and bundles for collection at such location as may be agreed upon by the county and the occupants. To the extent practical, such bags and bundles should be placed at roadside. Occupants who are exempted from the roadside collection requirements of this section shall ensure that on their regularly scheduled collection day, access to containers shall be kept clear, and that dogs are secured so as not to impede collection.
- (g) *County not responsible for maintenance of driveways or lanes.* Neither the county nor its agents shall be responsible for maintenance or normal wear and tear on private driveways or private lanes that are used for service pursuant to the provisions of subsection (e) above, and this shall expressly be made a condition of receiving such service.

Sec. 19-67. Bulky item collection.

- (a) Occupants who receive county collection service and who desire to have bulky items collected must call the county in advance in accordance with a collection schedule to be published by the county administrator. Each household and qualified small business which has elected to receive collection services from the county is entitled to have two (2) bulky items collected per collection, three (3) times each calendar year. Single family detached and duplex residences which have elected not to receive county service may call the county in advance to receive bulky items collected, for such fee as is established by the board.
- (b) New occupants of a household who elect to receive county collection services are permitted a one (1) time special bulky item collection of up to fifteen (15) boxes.

- (c) Individual households and qualified small businesses which have elected not to receive county service may call the county to arrange for special bulky item collections for a fee of thirty dollars (\$30.00) per pick up. The county reserves the right to limit the amount of bulky items collected per pick up.

Sec. 19-68. Certain solid waste not to be collected.

- (a) It shall be unlawful to deposit in containers, bags, or bundles for collection and transportation to county disposal facilities any of the following:
- (1) Hazardous waste;
 - (2) Industrial waste;
 - (3) Construction, renovation, clearing and/or demolition debris;
 - (4) Bulky items;
 - (5) Dead animals;
 - (6) Materials from stables;
 - (7) Batteries or tires;
 - (8) Waste oil;
 - (9) Poisons, acids or caustics;
 - (10) Explosives;
 - (11) Hot ashes;
 - (12) Any other solid waste determined by the county administrator to be unsuitable for disposal at county disposal facilities.
- (b) Collection may be refused any premises where the provisions of this article are violated. Violations of this article shall not relieve the responsible owner or occupant from payment of fees required by this article, in the event that such violations prevent collections to be made.
- (c) The following are several types of solid waste that shall be prepared in the manner indicated prior to being placed in a container for collection:
- (1) *Hypodermic instruments and other sharp articles.* No person shall dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before breaking, disassembling, destroying or otherwise rendering the same inoperative and incapable of reuse. Such hypodermic syringe, needle, instrument or device shall not be disposed of without safeguarding by wrapping or securing the same in a suitable manner so as to avoid the possibility of causing injury to collection personnel.
 - (2) *Ashes.* Ashes shall be thoroughly wetted and cooled to the touch.

- (3) *Pressurized cans.* All pressurized cans containing pesticides or any other dangerous materials shall be relieved of all pressure.
- (4) *Glass.* All broken glass or any type of glass that may cause injury to collection personnel shall be separately wrapped to prevent injury.
- (5) *Pesticides and poisons.* All pesticide and poison containers shall be emptied.

Sec. 19-69. Tampering prohibited.

No person shall tamper with any container, bag or bundle placed at the roadside for collection. No owner of a dog or other domesticated animal shall permit it to damage or open any bag placed at the roadside for collection.

Sec. 19-70. Recycling.

- (a) All households and qualified small businesses are encouraged to separate for collection, at such times and in such manner as may be established by the county administrator, the following items:
 - (1) Glass (not including Pyrex glass, window glass, light bulbs, mirrors, china);
 - (2) Cans;
 - (3) Plastic milk jugs;
 - (4) Plastics (not including Styrofoam);
 - (5) Cardboard (not including waxed paper, milk cartons);
 - (6) Newsprint and mixed paper;
 - (7) Aluminum scrap materials.
 - (8) Other material which may be added from time to time.
- (b) All recyclable items that are separated for collection shall be set out for collection in the recycling bins provided or caused to be provided by the county, and pursuant to the instructions furnished by the county.
- (c) Yard waste shall not be collected for disposal in county disposal facilities, unless it is placed in a clear plastic bag or bags, or tied into a bundle. Yard waste shall not be placed in containers.
- (d) Yard waste that is too large to be placed in bags or tied into bundles, such as trees or limbs, may be collected from any premises in the county by a special collection, which occupants may arrange by calling the county in advance. The cost for each such collection shall be as specified in section 19-73.

Sec. 19-71. Use of services.

Nothing in this article shall prevent an owner or occupant who requests county services pursuant to this article from electing to transport and dispose of his own solid waste or recyclable materials to an authorized disposal site or recycling facility, if he so chooses.

Sec. 19-72. General responsibility of owner or occupant of premises to comply with article.

It shall be the duty of the owner or occupant of any premises within the county subject to the collection provisions of this article to comply with its applicable provisions, except where otherwise specifically provided.

Sec. 19-73. Fees and charges.

- (a) Households and qualified small businesses who have elected to receive services from the county shall pay in arrears to the county bi-monthly fees and charges for such services in the following amounts:

	Standard Fee	Reduced fee for those who qualify under Section 19-78
<u>Basic service fee</u>	\$26.00	\$20.00
Low generator fee	\$22.00	n/a
Extra charge for those who elect service pursuant to subsection 19-66(e)(1)	\$18.00	\$16.00
Extra charge for those who elect service pursuant to subsection 19-66(e)(2)	\$24.00	\$16.00
Extra charge for those who elect service pursuant to subsection 19-66(e)(3)	\$42.00	\$32.00
Extra charge for additional containers, per container:	\$13.00	\$13.00
Charge for special yard waste collection per pick up	\$10.00	\$10.00

- (b) The above rates shall be effective July 1, 2000.
- (c) All fees and charges for collection service shall be the responsibility of the owner of the premises served. If the premises are occupied by someone other than the owner, and such person is a recipient of the service and is responsible for the payment of such charges through agreement with the owner and the county, the county will bill such person.

Sec. 19-74. Rates.

- (a) When title to premises is conveyed from one owner to another, the service charges for the billing period in which the premises is conveyed shall not be prorated by the county except as provided below and shall become the obligation of the owner of the property on the first day of the period for which service was billed.

- (b) Service may be added or canceled at any time, but no proration in fees for less than one (1) month will be made for either added or canceled service.

Sec. 19-75. When bills to be paid; overdue accounts.

The fees and charges established in this article shall be due upon receipt of the statement rendered by the county and shall be considered delinquent thirty (30) days following the billing date. A late charge of ten percent (10 percent) of the amount due or five dollars (\$5.00), whichever is greater, shall be added to all service charges when they are first considered delinquent. Interest at the rate of ten percent (10%) per annum shall be charged on the aggregate of the payment and penalty due beginning with the date the penalty is applied. If any bill shall not be paid within thirty (30) days of the billing date, the account may be forwarded to the treasurer for collection, and county collection services to the property shall cease.

Sec. 19-76. Failure to receive bill no excuse; responsibility to cancel service.

Failure to receive a bill for service charges shall not exempt any person from liability for payment of bills or from the provisions of this article. It shall be the responsibility of the owner, occupant, or consumer to notify the county of the failure to receive a bill for any reason and to advise the county whenever it is suspected that charges for services are improperly billed.

Sec. 19-77. Charge to be assessed for checks returned from bank for insufficient funds or other reasons.

When a check received in payment of service charges or fees is returned by the bank for insufficient funds or any other reason, a service charge of twenty-five (\$25.00) shall be made for each returned check. This charge is to defray the administrative costs to the county of handling and processing returned checks.

Sec. 19-78. Reductions in fees and charges for qualifying persons.

- (a) The provisions of this section shall be administered by the county administrator. The county administrator is hereby authorized to prescribe, adopt, promulgate and enforce such rules and regulations, in conformity with the general provisions of this section, as may be reasonably necessary to determine qualifications for reduced fees and charges. The county administrator shall make such inquiry of persons seeking such reduced fees and charges requiring answers under oath as may be reasonably necessary to determine qualifications therefore, as specified in this section.
- (b) When all those persons residing in a dwelling, have an aggregate annual income of less than fifty percent (50%) of the median income adjusted for family size for *York County* as published from time to time by the United States Department of Housing and Urban Development, the occupants shall be eligible for the reduced rates for fees and charges set out in section 19-73, upon application therefore, and approval of such application by the county administrator.
 - (1) Any person claiming eligibility for reduced rates under this subsection shall file annually with the county administrator on forms to be supplied by the county, an affidavit setting forth the names of the persons occupying the dwelling, and the aggregate annual income of all such persons during the immediately preceding calendar year.

- (2) For purposes of this section "annual income" means total annual cash receipts before tax, including money wages and salaries before any deductions; net receipts from self-employment following deduction of business expenses only; regular payments from any source of retirement to include Social Security; regular payments from unemployment compensation, worker's compensation, strike benefits from union funds, veteran's benefits, public assistance (including Aid to Families with Dependent Children, Supplemental Security Income and General Assistance); alimony; child support; military family allotments; other regular support from an absent family member or someone not living in the household; regular insurance or annuity payments; income from dividends, interest, rent, royalties or periodic receipts from estates or trusts. "Annual income" shall not include food or rent in lieu of wages; capital gains, any assets drawn down as withdrawals from a bank, sale of property, a house or a car; tax refunds; gifts; lump-sum inheritances; one-time insurance payments or compensation for injury. Also excluded is the value of fringe benefits from employment; and such federal programs as Medicaid and food stamps.
- (3) Changes in respect to income or other factors occurring during the calendar year for which an affidavit is filed under this section and having the effect of exceeding or violating the limitations and conditions provided in this section shall nullify any eligibility for reduced rates for the then current calendar year.
- (4) Once a person has been determined to be eligible for reduced rates, in lieu of the annual filing of an application, the person shall only be required to refile such application every three (3) years if during each of the two (2) intervening years the person files a certification on a form provided by the county certifying that no information contained on the last application has changed so as to violate the income or eligibility requirements of this section.
- (c) Any applicant making a false statement to obtain reduced rates under this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars (\$200.00) and loss of eligibility for reduced rates for the calendar year following conviction.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Burgett, Rapp
Nay: (1) Zaremba

UNFINISHED BUSINESS

TIME AND ATTENDANCE MANAGEMENT SYSTEM

Mr. Stuck made a brief presentation on the proposed procurement of an automated time and attendance management system which had been discussed with the Board at an earlier time. He indicated Mr. McReynolds was present to answer any questions the Board members might have on the issue.

Chairman Zaremba asked how time and attendance was taken at the present time.

Mr. McReynolds indicated it was accomplished manually using time cards and time sheets. He explained how the manual system now works and how the automated system would work.

Chairman Zaremba asked if the proposed system would exclude the Constitutional Officers' employees.

Mr. McReynolds indicated it would not, that the system would be universal to the Constitutional Officers, the School Board, and the County.

Chairman Zaremba asked what the cost savings would be by joining with the School Board in the proposed procurement.

Mr. McReynolds stated staff has made informal inquiries on similar systems and their costs and have come up with estimates of \$300,000 to \$500,000.

Chairman Zaremba noted that the County would then be getting a very significant discount from the vendor because this would be the model for both the School Division and the County linked to the same system.

Mr. McReynolds indicated that was correct.

Chairman Zaremba asked if the contract included installation.

Mr. McReynolds indicated the project was as close to turn-key as possible and included vendor installation.

Mr. Burgett then moved the adoption of proposed Resolution R00-85 that reads:

A RESOLUTION TO AUTHORIZE PROCUREMENT OF AN AUTOMATED
TIME AND ATTENDANCE MANAGEMENT SYSTEM AND TO AUTHOR-
IZE THE EXPENDITURE OF \$115,000 FROM THE CONTINGENCY RE-
SERVE

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with; and

WHEREAS, funding sufficient for the proposed procurement is available in the Contingency Reserve;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of June, 2000, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Automated Time and Attendance Management System - Kronos, Inc.	\$115,000

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BE IT FURTHER RESOLVED that the expenditure of \$115,000 from the Contingency Reserve be, and hereby is, authorized for the purpose of procuring an Automated time and attendance management system.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

CONSENT CALENDAR

Chairman Zaremba asked how soon the video equipment could be expected for the East Room in York Hall.

Mr. Stuck noted the delivery and installation by the vendor was guaranteed 90 days from issue of the contract award.

Chairman Zaremba asked how soon the purchase order would be issued.

Mr. Stuck indicated it should be issued within 10 days.

Mrs. Noll then moved that the Consent Calendar be approved as submitted, Item Nos. 3, 4, 5, and 6, respectively.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

May 9, 2000, Adjourned Meeting

**Item No. 4. VIRGINIA COOPERATIVE EXTENSION ANNUAL MEMORANDUM OF UNDERSTANDING:
Resolution R00-74.**

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AGREEMENT TO PROVIDE FOR THE OPERATION OF THE VIRGINIA COOPERATIVE EXTENSION SERVICES OFFICE FOR FY2001

WHEREAS, the Virginia Cooperative Extension Service has maintained an office to provide service to York County citizens under a cost-sharing agreement which has been in effect since 1983; and

WHEREAS, the Board of Supervisors authorized funding for this activity in the FY2001 approved budget sufficient to continue participation in this program and to provide an adequate

level of service to the citizens of York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of June, 2000, that the County Administrator be, and he is hereby, authorized to execute for and on behalf of the Board, a Memorandum of Understanding with the Virginia Cooperative Extension Service, including any necessary amendments thereto, that has been approved as to form by the County Attorney and which is substantially in the same form as that which was transmitted to the Board by report of the County Administrator dated April 19, 2000 for the provision of Virginia Cooperative Extension Services within the County.

Item No. 5. PURCHASE AUTHORIZATION: Resolution R00-77

A RESOLUTION TO AUTHORIZE CONSTRUCTION OF THE PINEY
POINT SEWER PROJECT AND PURCHASE VIDEO PRODUCTION
EQUIPMENT FOR YORK HALL

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of June, 2000, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Piney Point Sewer Project	\$1,446,791
Video Production Equipment	42,986

Item No. 6. REGIONAL LIVE FIRE TRAINING FACILITY AGREEMENT: Resolution R00-81

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR AND
FIRE CHIEF TO EXECUTE A MEMORANDUM OF AGREEMENT BE-
TWEEN THE CITIES OF HAMPTON, NEWPORT NEWS, POQUOSON,
WILLIAMSBURG; THE COUNTIES OF JAMES CITY AND YORK; AND
THE U.S. ARMY TRANSPORTATION CENTER-FORT EUSTIS FOR THE
CONSTRUCTION OF A REGIONAL LIVE FIRE TRAINING FACILITY
AND TO EXPEND BUDGETED FUNDS FOR YORK COUNTY'S SHARE OF
THE PROJECT

WHEREAS, each participating jurisdiction and federal installation (hereinafter the partners) have identified a need within the region for the construction of a live fire training facility; and

WHEREAS, each partner recognizes the mutual benefit of a cooperative approach to constructing a live fire training facility; and

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WHEREAS, the partners have collaborated on the development of the live fire training facility and have been pursuing this much needed capability for a number of years in cooperation with the Commonwealth of Virginia Department of Fire Programs and

WHEREAS, each of the partners have budgeted funds to support the construction and operation of the live fire training facility along with available grant funds from the Commonwealth of Virginia; and

WHEREAS, the City of Newport News has been selected as the host jurisdiction for the location of the live fire training facility; and

WHEREAS, funds for York County's share of the Regional Live Fire Training Facility have been appropriated in the Fiscal Year 2000 Capital Improvements Budget;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of June, 2000, that the County Administrator and Fire Chief are hereby authorized, for and on behalf of the County, to execute this Memorandum of Agreement for a Regional Live Fire Training Facility attached hereto and approved as to form by the County Attorney.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and hereby is, authorized to expend necessary funds within the amount approved for the Live Fire Training Center project in the Fiscal Year 2000 Capital Improvements Budget.

NEW BUSINESS

APPLICATION NO. UP-557-00, PRIMECO PERSONAL COMMUNICATIONS

Mr. Robert Baldwin, Chief Planner, made a short presentation explaining the request for a minor amendment to a special use permit to authorize an increase in height of a self-supporting monopole communications tower at Yorktown Middle School. He stated the request was consistent with the Board's policy of colocation.

Mrs. Noll asked how the additional 15 feet would affect the strength of the tower.

Mr. Baldwin stated the County requires the towers to be designed to withstand the weight for the maximum height of the tower.

Discussion followed on School Division involvement and reporting requirements to the Federal Communications Commission.

Miss Rapp then moved the adoption of proposed Resolution R00-84 that reads:

A RESOLUTION TO APPROVE APPLICATION NO. UP-557-00, FOR A MINOR AMENDMENT TO A SPECIAL USE PERMIT TO AUTHORIZE AN INCREASE IN HEIGHT OF A SELF-SUPPORTING MONOPOLE COMMUNICATIONS TOWER, WITH ASSOCIATED EQUIPMENT, AT YORKTOWN MIDDLE SCHOOL, FROM A HEIGHT OF 150 FEET TO 165 FEET

WHEREAS, PrimeCo Personal Communications has submitted Application No. UP-557-00 that requests an amendment to Use Permit No. UP-532-98, pursuant to Section 24.1-115(d)(2) of

the York County Zoning Ordinance to authorize an increase in height of a freestanding monopole communications tower with associated equipment from a height of 150-feet to 165 feet in total height on the parcel located at 11201 George Washington Memorial Highway (Yorktown Middle School) and further identified as Assessor's Parcel No.18-23A; and

WHEREAS, the Board has carefully considered the recommendations of the staff with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of June, 2000, that Application No. UP-532-98 is amended, and it is hereby, approved to authorize construction and maintenance of a 165-foot freestanding monopole communications tower with associated equipment at 11201 George Washington Memorial Highway (Yorktown Middle School), subject to the following amended conditions as restated:

1. This use permit shall authorize the construction and maintenance of a freestanding monopole communications tower with associated equipment, which shall not exceed 165 feet in height.
2. A site plan prepared in accordance with Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of any construction activity on the subject property. Except as modified herein, said plan shall substantially adhere to the plan submitted by the applicant dated February 23, 2000, and prepared by FWT, Inc., a copy of which is located in the application files for this request maintained by the York County Department of Environmental and Development Services. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmission for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.
3. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations. No building permit for the tower authorized by this special use permit shall be issued until the applicant provides evidence that the Federal Aviation Administration (FAA) has granted a permit for said tower.
4. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
5. Advertising or signage on the tower shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.

6. As part of the site plan submittal, a landscape plan shall be included which is consistent with Section 24.1-242 of the Zoning Ordinance. The base of the tower, including related equipment, shall be screened from view utilizing existing landscape, evergreen planting material, or material deemed acceptable to the County.
7. The equipment building and associated equipment shall be completely enclosed by a security fence to the satisfaction of the County. The security fence shall be designed to prevent recreational equipment, (i.e., baseballs, soccer balls, etc.) from entering into the compound.
8. The applicant shall comply with all performance standards specified in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
9. The communication tower shall have a galvanized finish that is gray in color. No lighting or multi-color painting shall be authorized without approval of the York County Board of Supervisors by resolution.
10. No microwave dishes, conical shaped antennae, or other dish exceeding the height limitation established in the Resource Conservation district shall be permitted on the tower without approval of the York County Board of Supervisors by resolution. Photo simulations of the visual impacts of such antennae shall be provided to the Board prior to its decision.
11. The maintenance access road used to support the tower shall be constructed to the satisfaction of York County.
12. The communications tower shall be structurally designed and constructed to accommodate no fewer than three (3) wireless users capable of supporting either PCS or cellular antenna arrays. The applicant shall reserve at least one (1) space on the tower for two (2) antennae for use by the County. Both the reservation for the County and the use by the County shall be at no cost to the County for as long as the County uses the tower. Should FAA requirements preclude a 165-foot height request, the tower shall be permitted at such lower height approved by the FAA.
13. If at any time the communications tower shall cease its operation, the property owner shall dismantle and remove the tower within six (6) months from the date the tower ceases to operate, unless the owner shall present evidence satisfactory to the Zoning Administrator that a binding lease with another wireless user has been executed or will be within a reasonable period of time.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba
Nay: (0)

APPLICATION NO. UP-541-98, VIRGINIA POWER

Mr. Stuck indicated the application had been withdrawn by the applicant.

ATHLETIC FIELD LIGHTING

Mr. Stuck made a brief presentation on the proposed award of a contract for the installation of athletic field lighting for two athletic fields at Dare Elementary and Seaford Elementary Schools. He explained the additional price for adding an extra field at Dare Elementary School.

Miss Rapp asked how much it would cost to do the last field at a later time.

Mr. Stuck indicated the County would probably save \$20,000-\$25,000 by doing the field at this time because the County was getting a price break by doing the three fields at one time.

Discussion followed on other lighted fields in the County.

Mr. Wiggins then moved the adoption of proposed Resolution R00-92 that reads:

A RESOLUTION TO AWARD A CONTRACT FOR THE INSTALLATION OF ATHLETIC FIELD LIGHTING FOR THREE ATHLETIC FIELDS INCLUDING A SOCCER FIELD AND BASEBALL FIELD AT DARE ELEMENTARY SCHOOL AND A FOOTBALL FIELD AT SEAFORD ELEMENTARY SCHOOL

WHEREAS, it is the desire of the York County Board of Supervisors to install new athletic field lighting for a soccer field and baseball field at Dare Elementary School and for a football field at Seaford Elementary School; and

WHEREAS, the low bid on this project was submitted by Branham Electric Corporation; and

WHEREAS, it is the desire of the York County Board of Supervisors to award a construction contract to. Branham Electric Corporation, in the amount of \$210,390;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of June, 2000, that the County Administrator be, and he hereby is, authorized to execute contracts, and any necessary related documents, approved as to form by the County Attorney, with Branham Electric Corporation in the amount of \$210,390 for the installation of new athletic field lighting for three athletic fields.

BE IT FURTHER RESOLVED that the County Administrator be, and he hereby is, authorized to procure goods, equipment, and services and to do all things necessary associated with the installation of new athletic fields at Dare Elementary School and Seaford Elementary School, whether through change order or otherwise, without further action by this Board, provided that the total cost of said purchases shall not exceed \$255,556.

BE IT STILL FURTHER RESOLVED that \$55,560 be, and is hereby, appropriated in the County Capital Fund for the purpose of completing the installation of new athletic field lighting as outlined above.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

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CLOSED MEETING. At 9:19 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.1-344(a)(3) pertaining to the disposition of public property.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

Meeting Reconvened. At 10:07 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF
INFORMATION ACT REGARDING MEETING IN CLOSED SESSION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 6th day of June, 2000, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

APPOINTMENT TO THE VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY

Mrs. Noll moved the adoption of proposed Resolution R00-90 that reads:

A RESOLUTION TO APPOINT THE YORK COUNTY REPRESENTA-
TIVE TO THE VIRGINIA PENINSULAS PUBLIC SERVICE
AUTHORITY BOARD OF DIRECTORS

WHEREAS, John T. Dunn and Lynn H. Shematek has served as York County's representative on the Virginia Peninsulas Public Service Authority (VPPSA) Board of Directors; and

WHEREAS, Mr. Dunn has left York County employment as its Director of Environmental and Development Services;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 6th day of June, 2000, that Mr. John Hudgins, newly appointed Director of Environmental and Development Services for York County, be, and he is hereby, appointed as the York County representative to the VPPSA Board of Directors to fill the unexpired term of John T. Dunn, such term to expire December 31, 2000.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba
Nay: (0)

APPOINTMENT TO THE HAMPTON ROADS PLANNING DISTRICT COMMISSION

Mr. Burgett moved the adoption of proposed Resolution R00-95 that reads:

A RESOLUTION TO APPOINT THE CHIEF ADMINISTRATIVE OFFICER
OF YORK COUNTY TO THE HAMPTON ROADS PLANNING DISTRICT
COMMISSION

BE IT RESOLVED by the York County Board of Supervisors this the 6th day of June, 2000, that Daniel M. Stuck, York County Administrator, be, and he is hereby, appointed to the Hampton Roads Planning District Commission for a term of two years, such term to begin July 1, 2000, and expire June 30, 2002.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

APPOINTMENTS TO THE BOARD OF BUILDING CODE APPEALS

Mrs. Noll moved the adoption of proposed Resolution R00-62 that reads:

A RESOLUTION TO REAPPOINT MEMBERS TO THE YORK COUNTY
BOARD OF BUILDING CODE APPEALS

BE IT RESOLVED by the York County Board of Supervisors this the 6th day of June, 2000, that Jerry M. Nichols and Michael C. Turkovich be and they are hereby, reappointed to the York County Board of Building Code Appeals, such terms to begin on July 1, 2000, and expire June 30, 2003.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

June 6, 2000

APPOINTMENT TO THE YORK COUNTY WETLANDS BOARD

Mr. Wiggins moved the adoption of proposed Resolution R00-71(R) that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY
WETLANDS BOARD

WHEREAS, the term of Jeanette C. Kern on the York County Wetlands Board expires on June 30, 2000;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 6th day of June, 2000, that John R. Sharkey, Jr., be and he is hereby, appointed to the York County Wetlands Board for a term of five years, such term to begin on July 1, 2000, and expire on June 30, 2005.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

Meeting Adjourned At 10:09 p.m. Chairman Zaremba declared the meeting adjourned to 6:30 p.m., Tuesday, June 13, 2000, in the East Room, York Hall, for the purpose of conducting a work session.

Daniel M. Stuck, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors